

**MINUTES OF THE ZONING BOARD PUBLIC  
HEARING & REGULAR MEETING ON MONDAY,  
JANUARY 7, 2013, 7:00 P.M., 4<sup>TH</sup> FLOOR,  
CAFETERIA, STAMFORD, CONNECTICUT**

Present for the Board: Tom Mills, Chairman, Barry Michelson, Harry Parson, Maria Nakian and Kathleen Donahue. Present for staff: Norman F. Cole, Land Use Bureau Chief and David Killeen, Associate Planner

Mr. Mills called the meeting to order at 7:10 p.m. Mr. Mills sat Alternate Donahue for missing Board Member Cosentini.

Mr. Michelson moved to change the order of the agenda. Mr. Parson seconded the motion and it passed with the eligible members present voting, 5-0 (Mills, Michelson, Nakian, Parson and Donahue).

**OLD BUSINESS**

1. **APPL. 208-05 ANTARES HARBOR POINT**, General Development Plan, Condition #7, 14 Acre Working Boatyard and Full Service Marina status updates, Cease & Desist Order and requested items.

Attorney James Minor, Interim Assistant Corporate Counsel City of Stamford, explained the “Letter of Intent” involving the issue of the City’s land and water rights at 205 Magee Avenue; remediation has started at Bateman Way; the DEEP has issued a tentative approval to dredge. Attorney Minor said he would ask the Board for a 60-day time extension on the ZBA hearing previously scheduled for January 23, 2013.

Mr. Michelson asked if the easement didn’t have to be granted by the Board of Representatives? Attorney Minor said yes, the “Letter of Intent” just allows the application to go before all the Boards; someone has to start the process. Mr. Michelson asked if the Board of Representatives has seen the “Letter of Intent”? Attorney Minor said he didn’t know. The “Letter of Intent” (LOI) final clause says it needs final Board of Representative’s approval. The LOI isn’t an easement, it only grants consent to make an application. Mr. Michelson said if this doesn’t give BLT an interest in the property, he doesn’t understand the relevancy of this document. Attorney Minor said there is a Supreme Court case that says this LOI is sufficient to authorize an application. Attorney Minor said he would provide the specific citation. Mr. Michelson asked if Attorney Minor has asked BLT to withdraw its appeal? Attorney Minor said yes he asked and they said no.

Mrs. Nakian said eventually, the Mayor will need to initiate a request to the Boards to authorize the easement. Attorney Minor agreed. Mrs. Nakian asked if the independent study would be ready by then.

Mr. Parson discussed the BLT study and the City hired consultant and questioned the need to pay money for another report. Mr. Cole explained the two studies underway.

Ms. Donahue asked what was missing from the September 7, 2012 205 Magee Avenue application that needed to be reviewed. Mr. Cole said the LOI was needed from the City giving BLT the right to submit the application.

Mr. Michelson asked if the Board could get a written legal opinion citing the case law supporting the use of a Letter of Intent for this purpose. Attorney Minor said he would provide a written opinion and cite the State case law.

Mr. Michelson moved to ask for a 30 day extension on the cease and desist. Mr. Mills noted there was no second.

Mr. Parson moved to approve a 90 day extension of the cease and desist hearing. Mrs. Nakian seconded the motion with a vote of 2 in favor, 2 opposed and 1 abstaining (Parson and Nakian in favor, Michelson and Donahue against and Mills abstaining). The motion did not pass.

Mrs. Donahue moved to ask for a 60 day extension on the cease and desist. Mrs. Nakian seconded the motion and it passed with the eligible members present voting, 5-0 (Mills, Michelson, Nakian, Parson and Donahue). Mr. Mills stated the new timeframe extends 60 days from January 23, 2013.

Mr. Michelson moved to return to the posted agenda. Mr. Parson seconded the motion and it passed with the eligible members present voting, 5-0 (Mills, Michelson, Nakian, Parson and Donahue).

### **PUBLIC HEARINGS**

1. **APPL. 212-16 – YALE & TOWNE SPE, LLC, 110 Towne St, Text change,** to Amend Article III, Section 9k(5)(b) to allow hotel FAR and hotel units to be converted to additional residential FAR and/or residential units with Zoning Board approval (*continued from December 10, 2012*).
2. **APPL. 212-17 – YALE & TOWNE, SPE, LLC, Amended GDP, Final Site & Architectural Plan and Coastal Site Plan Review (CSPR),** Requesting a GDP amendment, Final Site and Architectural Plans and Coastal Site Plan Review to develop a new five-story building with 102 housing units, 17,600 s.f. office space and associated parking and landscaping and which also includes preservation of an existing historic structure. Block Y1 is part of the mixed-use Yale & Towne development at 110 Towne St. and is located in the SRD-N district. (*continued from December 10, 2012*).

Mr. Mills opened the continued Public Hearing on these two applications which were continued from December 10, 2012.

Mr. Mills asked if they could explain the Y1 exterior materials.

Victor Mirontschuk, EDI International Architects, said they propose vinyl windows which are the most cost effective.

Mr. Mills stated he didn't think this was appropriate next to an historic building given that the other surrounding buildings use aluminum windows.

Attorney Freeman said the Applicant would leave this to the discretion of the Board. Mr. Mirontschuk said the green strip along the west side of 7 Market Street involved reducing three spaces to 8' x 16' with a 21' aisle width. There will be no pedestrian connection from here to the Market Street Sidewalk.

Ms. Donahue asked if there would be signs on the building? Attorney Freeman said they are not proposing any at this time; it's up to the tenant.

Mr. Mills called for any questions or comments from the Public. There were none. Mr. Mills closed the Public Hearing on these applications and called a brief recess at 8:18 pm and called the meeting back to order at 8:28 pm.

3. **APPL. 212-10 – FIRST GARDEN DEVELOPMENT, LP, 1032 Hope Street, Special Exception.** Special Exception approvals related to a proposed mixed use, 4-story building containing 88 residential units, 2,222 s.f. ground floor retail and associated parking for a 0.94 acre parcel located in the V-C (Village Commercial District) (*continued from December 10, 2012*).
4. **APPL. 212-11 – FIRST GARDEN DEVELOPMENT, LP, 1032 Hope Street, Site and Architectural Plan Review.** Construction of a new four story mixed-use building consisting of 88 rental apartments, 2,222 s.f. of ground floor retail space and associated amenities, parking and landscaping on 0.94 acres of property located in a V-C (Village Commercial District) (*continued from December 10, 2012*).

Mr. Mills opened the continued Public Hearing on these two applications which were continued from December 10, 2012.

Attorney John Leydon introduced the consultant team and owner and submitted the notification of mailing. He said this parcel uses the Village Commercial regulations to build a transit oriented development and he explained the plan.

Steve Trinkhouse, P.E., explained the storm drainage retention that will discharge to the West and showed pictures of the "keystone" retaining walls which will have a black vinyl fence at the top for safety. He explained the landscape plan along the building front and that they expect 8,070 gallons per day of sewage flow. They've added a grit oil separator.

Mrs. Nakian asked with the reduced setback on the northerly property line, did they propose any screening of this property line? Mr. Trinkhouse said it adjoins a paved area of a commercial site and there'd be no room to plant anything. Mr. Mills asked if they could provide a screen fence on the north property line behind the Bank? Attorney Leydon said they would agree to do that.

Mr. Hennessey, Architect, presented the building design and provided a railing sample.

Mr. Mills called for any questions or comments from the Public.

Ashley Nestor, 24 Northhill, asked how would the garbage be handled? How will snow be managed? Is there any guest parking? What is the impact on the schools and traffic?

Marilyn Trefry, Lawton Avenue, expressed concern with traffic and that the building will not be in character with the area.

Kathy Kligler, 21 Friar Tuck Lane, was concerned with the density and lack of green space. She said the design won't add to the character of Springdale.

Beth Conrad, Weed Hill, said she doesn't like the building or the Village Commercial regulations. The road is being widened but traffic is a concern.

Tina Pella, 230 Knickerbocker, was concerned about traffic and parking congestion.

Christine Weber, 210 Knickerbocker, said project is too dense, she's concerned about traffic and parking congestion and the impact on schools.

Anthony Silvi, 85 Camp Avenue, #11E said he didn't like the colors of the building and would they consider a pedestrian walkway with light control at the crosswalk.

Bruce, Highview Avenue, asked about the hours of the stores and the 15% low income housing. They should stick with 10% and he doesn't think the retail aspect is needed.

Georgia, 24 Northhill, was opposed to the additional BMR; said it should stay at 10% and she wanted them to try and save the trees on the north property line.

Scott Bankcraft, Cody Street, expressed concern about traffic and schools.

Mr. Mills asked if the Applicant would like to respond to the comments. Richard Freedman, Garden Homes, explained about their snow management plan. He discussed the timing of garbage pickup; he agreed to reduce the BMR to 10% but it's their policy to encourage more. He said school children over-crowding should be managed by the Board of Education. Road widening project doesn't affect this site. Zoning regulations prohibit parking in front yards. Parking projected meets the demand and Village Commercial standards. They will use a parking pass system for visitors. They've pledged a \$50,000 donation for traffic improvements. They will save trees on the north property line if possible.

Attorney Leydon added that the City traffic engineer decided no traffic study was needed for this application.

Mr. Mills asked the Board Members if they had any comments on these two applications.

Mr. Michelson asked how many shared parking spaces there were? Mr. Freedman said none.

Mr. Mills said he'd like to see a fence on the north property line. Mr. Freedman agreed to put one there. Mr. Mills asked about a 6am garbage pickup and asked Staff if the Board could address this? Mr. Cole said yes, but not sure it will have any meaningful benefit.

Mr. Mills asked if they could add off-site visitor parking? Attorney Leydon said he didn't think they needed any. Mr. Freedman said he could establish a lease for off-site parking.

Attorney Leydon noted the plans for the record.

Mr. Mills closed the Public Hearing on these applications at 10:17pm and called a brief recess at 10:18 pm and called the meeting back to order at 10:30 pm.

### **REGULAR MEETING**

#### **APPROVAL OF MINUTES:**

Mr. Mills postponed the minutes to the next meeting.

#### **PENDING APPLICATIONS:**

1. **APPL. 212-25 – BBSF, LLC and Affordable Housing Development Company, LLC**, Text Change

Mr. Cole described the text change being requested.

Mrs. Nakian said the office garage is a resource for after-hours shared parking.

Mr. Mills said on-street parking is not under the Zoning Board's control. They could always restripe for compact cars.

After further discussion, Mrs. Nakian moved to approve the text change. Ms. Donahue seconded the motion and it passed with the eligible members present voting, 5-0 (Mills, Michelson, Nakian, Parson and Donahue).

2. **APPL. 212-16 – YALE & TOWNE SPE, LLC, 110 Towne St**, Text change
3. **APPL. 212-17 – YALE & TOWNE, SPE, LLC, 110 Towne St**, Amended GDP, Final Site & Architectural Plan and Coastal Site Plan Review (CSPR)
4. **APPL. 212-10 – FIRST GARDEN DEVELOPMENT, LP, 1032 Hope Street**, Special Exception
5. **APPL. 212-11 – FIRST GARDEN DEVELOPMENT, LP, 1032 Hope Street**, Site and Architectural Plan Review

After a brief discussion, Mr. Michelson moved to table these four applications until the next meeting. Mr. Parson seconded the motion and it passed with the eligible members present voting, 5-0 (Mills, Michelson, Nakian, Parson and Donahue).

Mr. Parson moved to change the order of the agenda. Mrs. Nakian seconded the motion and it passed with the eligible members present voting, 5-0 (Mills, Michelson, Nakian, Parson and Donahue).

### **NEW BUSINESS**

1. **APPL. 210-44 – Stamford Exit 9, LLC, 1 Blachley Rd (Site & Arch)**, request administrative approval to modify the use of the facility in order to lease 18,000 s.f. of the lower level to Stamford Hospital for Special Surgery as a satellite office for doctor's offices, exam rooms, pain management area and an MRI with 34 dedicated parking spaces, creation of 30 additional parking spaces and access to the building on the north side of the site.

After a brief discussion, Mr. Michelson moved to approve the use of 1 Blachley Road as a satellite office for Stamford Hospital and the parking expansion and the façade modifications to the building. Mrs. Nakian seconded the motion and it passed with the eligible members present voting, 5-0 (Mills, Michelson, Nakian, Parson and Donahue).

2. **APPL. 211-45 CHELSEA PIERS OF CONNECTICUT, LLC: STAMFORD EXIT 9 II, LLC** renderings for NBC signs at Chelsea Piers per approval of signage standards set in APPL.211-45.

After a brief discussion, Mrs. Nakian moved to approve the submitted NBC signage. Ms. Donahue seconded the motion and it passed with the eligible members present voting, 5-0 (Mills, Michelson, Nakian, Parson and Donahue).

### **OLD BUSINESS**

1. **APPL. 208-05 ANTARES HARBOR POINT**, General Development Plan, Condition #7, 14 Acre Working Boatyard and Full Service Marina status updates, Cease & Desist Order and requested items.

Mr. Cole provided the Board Members with an update on the status of remediation work.

Attorney Freeman said the remediated piles will be covered if it is not an active work site. Applicant will provide more details at the meeting of January 14, 2013.

Due to the lateness of the hour, Mr. Mills adjourned the meeting at 11:40pm.

Respectfully submitted,

Maria Nakian, Secretary  
Stamford Zoning Board